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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,139	08/28/2001	Joel Kahn	1086	5902

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EXAMINER

KOYAMA, KUMIKO C

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,139

Applicant(s)

KAHN ET AL.

Examiner

Kumiko C. Koyama

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

Line 2: "the steps of" should be changed to --steps of--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 2, 6, 12, 17, 18, 22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 6,327,570) in view of Maggard et al (US 6,021,362) and further Murphy et al (US 4,554,446).

Re claim-1 and-17: Stevens teaches a personal agent device 11 containing a wireless transceiver (col 17 line 52) and a barcode scanner (col 6 lines 17-20), which scans the barcode off a product that would yield a stock number and into the personal agent 11 (col 6 lines 26-28). Stevens also teaches that the personal agent conveys the stock number to the professional unit over the in-store wireless system (col 10 lines 11-17). The professional unit can act as a point of sale terminal and scan barcodes (col 18 lines 6-7). Stevens teaches that the professional unit is connected to an in-store array of wireless transceivers to allow wireless communication within the store (col 17 lines 41-45). Stevens also teaches that the professional unit is coupled with an existing store processor or computer system 92 through a coaxial cable (col 17 lines 11-16).

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Stevens fails to disclose that professional unit communicates the barcode data to a host computer.

Maggard teaches that the UPC code of the each product is read by the scanner 16 and transmitted to the host computer 18 (col 9 lines 55-60).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Maggard to the teachings of Stevens in order to check the price of the product in the store's computer and verify whether or not the price is correct to provide the customer with accurate pricing and information on the product.

Stevens fails to disclose that another barcode reader has an output circuit for communicating the barcode data.

However, Murphy teaches that the output of the checkout scanner 10 feed the in-store data processor, which accumulates the data. (col 6 lines 17-19)

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Murphy to the teachings of Steven as modified by Maggard as described above in order for the professional unit to have connection with the host computer with a coaxial cable for communicating the barcode data so that the computer and the profession unit has the same data or be able to retrieve information according to the users request.

Re claim 2 and 18: Stevens discloses that the in-store local wireless communications system is a radio frequency (RF) system (col 3 line 26).

Re claim 6 and 22: Stevens discloses that the barcode scanner is a ring 48 barcode scanner (col 6 line 22).

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Re claim 12 and 27: Stevens discloses that the store computer system 92 is coupled with coaxial cable, bus-to-bus, fiber optics etc.

4. Claims 3, 5, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Murphy as applied to claim 1 and 17 above, and further in view of Lee et al (US 6,374,177). Stevens/Maggard/Murphy have been discussed above.

Re claim 3 and 19: Stevens/Maggard/Murphy fails to teach that the wireless communications transceiver is a BlueTooth wireless transceiver.

Lee discloses that a data can be transferred locally to the computer 206 using local wireless technology, such as Bluetooth (col 12 lines 36-39).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Lee to the teachings of Stevens/Maggard/Murphy because Bluetooth provides a reliable wireless data transfer, especially among a specified, localized area in a large public space, therefore resulting in utilizing less space and providing better services to the customers by sending only those data the customer may desire.

Re claim 5 and 21: Stevens/Maggard/Murphy also fails to teach that the wireless communications transceiver is an IRDA wireless transceiver.

Lee discloses that a data can be transferred locally to the computer 206 using local wireless technology, such as IRDA (col 12 lines 36-39).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Lee to the teachings of

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Stevens/Maggard/Murphy because IRDA is a low-cost transceiver signaling technology and provides high-speed two way data exchange.

5. Claim 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Murphy as applied to claim 1 and 17, and further in view of Lee et al (US 5,636,140). Stevens/Maggard/Murphy have been discussed above.

Stevens/Maggard/Murphy fails to teach that the wireless communications transceiver is a 802.11 WLAN wireless transceiver.

Lee teaches that IEEE 802.11 is a proposed standard for WLANs that defines the data communication protocol (col 1 lines 40-42).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Lee to the teachings of Stevens/Maggard/Murphy because 802.11 WLAN provides the same connectivity and convenience as the wired LAN, therefore able to provide the same benefits with utilizing less space.

6. Claims 7, 10, 16, 23, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Murphy as applied to claim 1 and 17, and further in view of Mulla et al (US 6,311,896). Stevens/Maggard/Murphy have been discussed above.

Re claim 7, 10, 23 and 25: Stevens/Maggard/Murphy fails to teach that the portable bar code reader is a hand held scanner. Stevens also fails to teach that the second bar code reader is a hand held scanner.

Mulla teaches a hand held bar code scanner (col 1 lines 47).

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Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Mulla to the teachings of Stevens/Maggard/Murphy in order to configure the bar code reader to allow the user to aim the device more precisely at the target to avoid errors in reading the code.

Re claim 16 and 29: Stevens/Maggard/Murphy fails to teach decoding the bar code data in at least one of the portable reader, the second reader and the host computer.

Mulla teaches a decoding process and a bar code scanner having a decoder (col 2 lines 23-26).

Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Mulla to the teachings of Stevens/Maggard/Murphy and provide a decoder for decoding the bar code data in at least one of the portable reader, the second reader and the host computer in order to provide and retrieve the unique identification and information from the barcode.

7. Claims 8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens/Maggard/Murphy as applied to claim 1 and 17, and further in view of Kaltner (US 5,059,951). Stevens/Maggard/Murphy have been discussed above.

Stevens/Maggard/Murphy fails to teach that the second bar code reader is a slot scanner.

Kaltner teaches a slot scanner (col 2 lines 12-17).

Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Kaltner to the teachings of Stevens/Maggard/Murphy because slot scanners are convenient to use when the bar codes are

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disposed on a bottom of the item, especially if the item is a big and heavy item, and therefore it would utilize less effort and time to scan the bar code off the item.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Murphy as applied to claim 1, and further in view of Spencer et al (US 5,975,417). Stevens/Maggard/Murphy have been discussed above.

Stevens/Maggard/Murphy fails to teach that another bar code reader is a presentation scanner.

Spencer teaches a presentation scanner (col 3 lines 18-20).

Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Spencer to the teachings of Stevens/Maggard/Murphy in order to scan items that have bar codes disposed on curved surfaces, therefore resulting in a more precise reading of the code and less occurrences of reading errors.

9. Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Murphy as applied to claim 1 and 17 above, and further in-view of Wike (US 5,198,650). Stevens/Maggard/Murphy have been discussed above.

Re claim 11 and 26: Stevens/Maggard/Murphy fails to disclose that the transceiver is built into the professional unit.

However, Wike teaches that a transceiver is mounted on the printed circuit board 42 in the optical bar code reader 20 (col 3 lines 21-24).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Wike to the teachings of

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Stevens/Maggard/Murphy to provide the bar code reader of the professional unit with a wireless transceiver built into the unit instead of connecting it to a communication means through cable in order to reduce the amount of space utilized in the store.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Murphy as applied in claim 1, and further in view of Sutherland (US 6,041,657). Stevens/Maggard/Murphy have been discussed above.

Stevens/Maggard/Murphy fails to teach that the host computer is a wireless computer terminal.

Sutherland teaches a wireless computer terminal (col 3 lines 4).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Sutherland to the teachings of Stevens/Maggard/Murphy in order easily transfer data to multiple devices without occupying the space with cables.

11. Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens as modified by Maggard and Murphy as applied to claims 1 and 17 above, and further in view of Yawata et al (US 5,398,305). Stevens/Maggard/Murphy have been discussed above.

Re claim 14 and 28: Stevens/Maggard/Murphy fails to disclose that the host computer is a point of sale terminal.

However, Yawata teaches a POS (point-of-sale) host computer (col 1 lines 27-32, col 2 line 15).

Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Yawata to the teachings of

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Stevens/Maggard/Murphy so that that computer and point of sale are sharing the same data and achieving an uniform control over the output, therefore resulting in faster process.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens/Maggard/Murphy as applied to claim 1 above, and further in view of Pickering (US 5,684,965). Stevens/Maggard/Murphy has been discussed above.

Re claim 15: Stevens/Maggard/Murphy fails to teach that the host computer is a printer.

However, Pickering teaches a host computer comprising a printer (col 11 lines 1-2).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Pickering to the teachings of Stevens/Maggard/Murphy and provide a printer as the host computer in order to print the data that was received and transmitted, therefore it will provide a back up copy in case the data was lost during the transfer.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ehrat, U.S. Patent No. 3,836,755, discloses a self-service shop having a check-out station for determining sales data from machine readable data.

Gombrich et al., U.S. Patent No. 4,835,372, discloses a patient identification system relating items with patients using a portable bar code reading device.

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Tymes, U.S. Patent No. 5,029,183, discloses a packet data transmission system used to link a number of remote hand-held data-gathering units such as bar code readers to a central computer, which maintains a database management system.

Collins, Jr., U.S. Patent No. 5,149,947, discloses a checkout system including an optical scanning device removably mounted on the handles of oppositely positioned grocery carts.

Ruppert et al., U.S. Patent No. 5,424,524, discloses a personal bar code scanning device for aiding shoppers in keeping track of their expenditures.

Roach et al., U.S. Patent No. 5,434,394, discloses a system for processing merchandise sale transactions for customers in a point of sale and warehouse facility.

Walsh et al., U.S. Patent No. 6,230,970, discloses an electronic hand-held device and method for inputting and sending requests and for receiving and outputting responses to the requests.

Angle et al., U.S. Patent No. 6,366,771, discloses a wireless network including a plurality of portable data terminals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425.


The examiner can normally be reached on Monday-Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

kck
September 10, 2002



MICHAEL G. LEE
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